

**REPORT OF JUDICIAL COMMITTEE  
TO GENERAL SYNOD, TE HINOTA WHANUI 2024**

1. The Judicial Committee is established by Title C Canon IV and consists of nine members. There is a requirement for there to be at least two members from each Tikanga and one Bishop, one Ordained Minister and at least three laypersons within the group.
2. Bishops, Ordained Ministers, and laypersons enrolled as barristers or solicitors of the High Court of New Zealand and of not less than seven years' standing or who hold similar qualifications and experience in any of the legal jurisdictions in the Diocese of Polynesia, are eligible for election.
3. After election, a Chair and on occasion a Deputy Chair are appointed from amongst the members.
4. The primary tasks of the Judicial Committee are set out in Title C Canon IV, section 4, clause 4.1, and involve determination of questions and appeals.
  - 4.1 The Judicial Committee is also tasked with reviewing motions of General Synod te Hinota Whanui and Standing Resolutions on a regular basis after each General Synod, pursuant to the Title C Canon II, clauses 2 and 3.
  - 4.2 The Judicial Committee does not meet or attend to any business other than when issues are expressly put before it.
5. The present membership of the Judicial Committee is:

<b>House of Bishops</b>	The Rt Rev'd Steven Benford
<b>House of Clergy</b>	The Rev'd Joel Rowse
<b>Tikanga Māori</b>	The Rev'd Pania Houkamau-Ngaheu Mr Matanuku Mahuika
<b>Tikanga Pākehā</b>	Judge Chris Harding (Chair) Mr Alex Twaddle Ms Brigit Brant
<b>Tikanga Pasefika</b>	Mr Walton Morgan Ms Mele Taliai
<b>General Secretary</b>	The Rev'd Canon Michael Hughes

## 6. **Meetings of the Committee**

We have met by email exchange and Zoom during the Covid and post-Covid period.

The General Synod/Te Hīnota Whānui last met in 2022. There were no resolutions passed which were required to be considered for inclusion as a standing resolution and the Committee accordingly did not attend to that task.

There were two amending standing resolutions passed, and one new standing resolution created by the General Synod/Te Hīnota Whānui. None have been proposed for the consideration of the Judicial Committee and all have been actioned in the 2023 Canons reprint.

The committee received an application from Bishop Te Kitohi Pikaahu and Bishop Andrew Hedge to determine the propriety of the decision by the General Synod Standing Committee to amend the statutes. That application was made prior to the last sitting of the General Synod/Te Hīnota Whānui. There was an application for an expedited hearing which was considered by the Judicial Committee at Zoom meetings on 7 July 2022 and 1 September 2022, the minutes of which are attached. It was decided that an expedited hearing was not appropriate. The issues were raised at the General Synod/Te Hīnota Whānui and the application was subsequently discontinued by notice to the Committee dated 24 January 2023.

**The following matters** were also dealt with but in no case was a decision required of the Judicial Committee.

There was a historic Title D appeal lodged originally on 13 September 2022, and which was then withdrawn to await 2022 GSTHW changes to Title D (made in October 2022) and resubmitted after that.

In early 2023 an Archbishop's Tribunal (3 Archbishops and two members of the Committee, Mr Alex Twaddle and Rev'd Pania Houkamou-Ngaheue) was formed to consider that Appeal, believing it required the pre-2020 Title D process to be used, but it was then agreed it was required to go to a special appeal tribunal under the new Title D, where The Provincial Chancellor Mr Bruce Gray KC appoints, and he appointed as Judicial Committee member Rev'd Pania Houkamou-Ngaheue.

Then there was also a further Appeal from the decision of a Bishop's Tribunal which also required the Provincial Chancellor Mr Bruce Gray KC to appoint a Judicial Committee member, Ms Mele Talai, to participate. Committee member Mr Alex Twaddle was appointed to chair as the proxy of the Chancellor.

The Committee then received an application to determine the correctness of a decision of the determination of an Appeal Tribunal which considered the decision of a Bishop's Determination Tribunal from the Diocese of Auckland. Before arrangements could be made to consider that, the Applicant withdrew the matter from the Judicial Committee.

In neither case was a determination required.

There was no other business for the Judicial Committee.

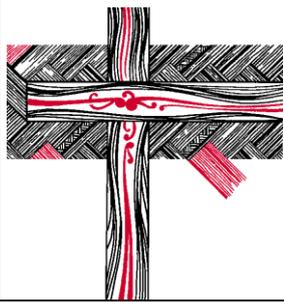
A handwritten signature in black ink, appearing to be 'C.J. Harding', written in a cursive style.

C.J.Harding  
Chair of the Committee

1 February 2024

Attachments:

- 1 Minutes 7 July 2022
- 2 Minutes 1 September 2022
- 3 Discontinuance dated 24 January 2023



# The Anglican Church in Aotearoa, New Zealand and Polynesia

Te Hāhi Mihinare ki Aotearoa ki Niu Tirenī,  
ki Ngā Moutere o te Moana Nui a Kiwa

## JUDICIAL COMMITTEE

Notes of a Meeting held via Zoom on 7 July 2022 from 7.30pm

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### Members:

House of Bishops	Bishop Steven Benford
House of Clergy	The Rev'd Joel Rowse
Tikanga Māori	Rev'd Pania Houkamau-Ngaheu Mr Matanuku Mahuika
Tikanga Pākehā	Judge Chris Harding (Chair) Judge Anne McAloon Ms Brigit Brant
Tikanga Pasefika	Mr Walton Morgan Ms Mele Taliai
Secretary	Rev'd Michael Hughes

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### 1 OPENING PRAYER

Bishop Steven Benford opened with prayer.

### 2 APOLOGIES

The Rev'd Joel Rowse, Mr Walton Morgan, The Rev'd Pania Houkamau-Ngaheu.  
Mr Matanuku Mahuika recused.

### 3 MATTERS FOR CONSIDERATION

The Chair thanked members for their availability and declared the meeting quorate. He noted the application received to rule on the validity of a GSSC decision relating to Te Kaunihera and ancillary matters. The application requested consideration of urgency under clause 4.9 of C/IV because of a possible gap in transition to a new interim Te Kaunihera board, which could put at risk the college's status as a PTE with NZQA.

The Secretary was asked as General Secretary to advise where the GSSC appointment process was up to, and he advised that the previous Te Kaunihera terms finished Friday 1 July at 5pm and Lyndon Drake (previous chair) was with his agreement reappointed as of 5pm 1 July to an extended term of a couple of weeks or until the NZQA notification process for the first of the three new members appointed as of 5pm 1 July was completed, thus there was no gap in governance.

Noted the matter of urgency is what is important to determine tonight, and if deemed not urgent then the usual process would be followed.

Two considerations, firstly, does Judicial Committee determine there are exceptional circumstances, and secondly, has the Primate requested an interim decision.

**Resolved** that given the circumstance of Lyndon Drake (previous chair) with his agreement being re-appointed from 5pm 1 July to an extended term of a couple of weeks or until the NZQA notification process for the first of the three new members appointed as of 5pm 1 July was completed, there was no gap in governance, and the Primate has not requested an interim decision, thus the committee does not consider any exceptional circumstance demanding urgency exists, so the application will proceed as per the usual canonical process.

The Secretary is to advise the applicants counsel of this and repeat the earlier request for notification of any persons or bodies practically interested, so that the committee can determine who shall be served papers.

The committee to meet again as soon possible once this response from the applicant is received.

**Resolved** that the usual timings of 21 days following serving papers be given for any party to make submission, and once those submissions are served on the applicants a further 14 days for any reply in response to any new matters raised therein.

**Resolved** that service will be effected electronically, with replies electronically to the General Secretary's email, and the parties wishing to be heard can be represented by counsel.

Noted that if an oral hearing is required then that will likely involve a day in person to be scheduled after the above timeframes.

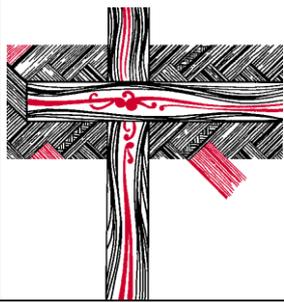
#### 4 CLOSING PRAYER

The Secretary closed with prayer at 7.55pm.



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C J Harding  
Chair



# The Anglican Church in Aotearoa, New Zealand and Polynesia

Te Hāhi Mihinare ki Aotearoa ki Niu Tirenī,  
ki Ngā Moutere o te Moana Nui a Kiwa

## JUDICIAL COMMITTEE

Minutes of a Meeting held via Zoom on 1 September 2022 from 7.30pm

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### Members:

House of Bishops	Bishop Steven Benford
House of Clergy	The Rev'd Joel Rowse
Tikanga Māori	Rev'd Pania Houkamau-Ngaheu Mr Matanuku Mahuika
Tikanga Pākehā	Judge Chris Harding (Chair) Judge Anne McAloon Ms Brigit Brant
Tikanga Pasefika	Mr Walton Morgan Ms Mele Taliai
Secretary	Rev'd Michael Hughes

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### 1 OPENING PRAYER

Bishop Steven Benford opened with prayer.

### 2 APOLOGIES

The Rev'd Joel Rowse, Ms Mele Taliai, The Rev'd Pania Houkamau-Ngaheu.  
Mr Matanuku Mahuika recused.

### 3 MATTERS FOR CONSIDERATION

The Chair thanked members for being present and proposed that there were limited matters which could properly be considered in the absence of the parties and their counsel.

It was suggested that the substantive matters could not be considered without counsel for parties being in person, and oral argument; but that deciding whether the hearing was needed before GSTHW or not could be fairly decided "on the papers" in view of the submissions already filed on that issue, noting GSTHW meets in just over seven weeks' time.

**After discussion, the JC unanimously agreed** that the substantive matters required counsel for the parties to be heard in person and could not be considered at present.

**The JC further unanimously agreed** the issue as to the timing of the hearing could fairly be decided on the papers, given the full submissions of the parties.

**Principles raised in discussion as to timing were:**

Both parties appear to agree that GSTHW is the final arbiter of these matters.

JC should only act in advance of GSTHW if there is good cause or reason to do so. JC has already determined that the matter is not urgent. The JC did not accept the reasons advanced for early hearing were of sufficient force to require a hearing before GSTHW.

The GSSC decisions, both to repeal the Canon, and to replace the repealed section with an alternate process for appointment and then to make such appointments, are accepted by counsel for GSSC to be temporary measures subject to the ratification or otherwise of GSTHW, despite the wording of the earlier part of the GSSC resolution not referring to limitation in time.

The question as to whether such purported repeal and amendment is valid is a substantive matter.

The potential of a breach of the St Johns College Trust Act of 1972 is a substantive matter.

The question as to if the consequent appointments are inconsistent with the Statute, is a substantive matter.

GSTHW could approve the decision as valid; could approve the decision retrospectively even if not brought about by right process; or could do something else. This may resolve some of the substantive matters presently in issue.

If GSTHW approves, the JC can still if necessary determine whether the process used was constitutionally proper after GSTHW so that no invalid precedent is set. The Applicants' rights in that regard are protected.

**The JC unanimously agreed** that the substantive matters do not require urgency to be heard before GSTHW meets, because:

The core issue remains available for later JC ruling regardless of GSTHW decisions,

The JC is aware that legislation is being proposed to ratify what has been done by GSSC, making any pre-determination by the JC potentially moot,

The Applicants' right to a ruling on the validity of GSSC actions taken is preserved if needed regardless of any decision taken by GSTHW,

The closeness in time of GSTHW means it is unlikely a hearing could be arranged in time.

**4 CLOSING PRAYER**

The Secretary closed with prayer at 8.03pm.



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C J Harding  
Chair

**BEFORE THE JUDICIAL COMMITTEE  
OF THE ANGLICAN CHURCH  
IN AOTEAROA, NEW ZEALAND AND POLYNESIA**

**IN THE MATTER OF:** A question of interpretation of the  
Constitution / Te Pouhere pursuant  
to Part G, clause 3

**THE RIGHT REVEREND ANDREW  
HEDGE**, Bishop of Waiapu and **THE  
RIGHT REVEREND TE KITOHI  
WIREMU PIKAAHU**, Bishop of Te  
Tai Tokerau

Applicants

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**NOTICE OF DISCONTINUANCE**

Dated: 24 January 2023

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**NOTICE OF DISCONTINUANCE**

**This document notifies you that—**

1. The Applicants, **THE RIGHT REVEREND ANDREW HEDGE**, and **THE RIGHT REVEREND TE KITOHI WIREMU PIKAAHU**, discontinue this proceeding.

Dated this 24<sup>th</sup> day of January 2023



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**D D Vincent**  
Counsel for the Applicants